

MINUTES

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

COUNCIL CHAMBERS, 736 RICHLAND AVENUE, W., AIKEN, S. C.

REGULAR MEETING – OCTOBER 18, 2005 – 7:00 P. M.

(A) CALL TO ORDER

Determining that a quorum was present, Chairman Young called the meeting to order.

Council Members present:

Chairman Ronnie Young
Kathy Rawls
Scott Singer
LaWana McKenzie
Chuck Smith
Eddie Butler
Charles Barton
Gary Bunker
Willar H. Hightower, Jr.

Also present:

J. Clay Killian, County Administrator
Robert M. Bell, County Attorney
Tamara Sullivan, Council Clerk

(B) INVOCATION

Councilman Hightower led in the invocation.

(C) PLEDGE OF ALLEGIANCE

Councilman Bunker led in the Pledge of Allegiance.

(D) APPROVAL OF MINUTES

1. September 20, 2005 Worksession
2. September 20, 2005 Special Meeting
3. September 20, 2005 Regular Meeting
4. October 11, 2005 Special Meeting

- a. Councilman Butler made a motion to approve the minutes. Councilwoman McKenzie seconded.
- b. The minutes were approved by unanimous vote.

(E) APPROVAL OF AGENDA

- a. Councilman Butler made a motion to amend and approve the agenda as follows:
 1. Delete Consent Item 10.
 2. Delete Consent Item 12.
 3. Delete Consent Item 13.

4. Add Consent Item 20a – Proposed Resolution To Authorize the Expenditure of Funds for Road Improvements in Council District 8.
 5. Move Consent Item 11 to New Business Item 3.
 6. Add Old Business Item 3 – Proposed Resolution To Approve Additional Time for the Aiken County Board of Education to Comment on the Proposed Tax Increment Financing District for the Sage Valley and Trolley Run Station Developments.
 7. Move Consent Item 18 to Old Business Item 4.
 8. Amend New Business Item 2 to be first reading of an Ordinance rather than a Resolution.
- b. Councilwoman Rawls seconded the motion. The amended agenda was approved by unanimous vote.

(F) PUBLIC HEARINGS

1. Proposed Ordinance to Amend Chapter 5.5 Cable Television of the Aiken County Code of Ordinances to Reflect Changes in Franchise Application, Transfer and Renewal Fees.
 - a. No comments were made.
2. Proposed Ordinance to Amend the FY 2006 County Operating Budget to Reduce the Fees Established in the FY 2006 County Budget Ordinance for the Probate Judge and to Alter the Procedure for Distribution of Local Accommodations Tax Funding.
 - a. No comments were made.
3. Request for Approval of a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 120-05-04-014 Located at 127 Hedge Road (C-993), Aiken, SC in Council District 8 from UD to IND.
 - a. No comments were made.
4. Proposed Ordinance Establishing and Approving a Plan for the Redevelopment of a Portion of Aiken County, South Carolina, Pursuant to a Redevelopment Plan; Designating a Redevelopment Project Area; Making Findings Regarding the Redevelopment Project Area; Designating Redevelopment Projects; Approving a Tax Increment Financing Plan for Such Redevelopment Projects; and Other Matters Relating Thereto.
 - a. A presentation was made in opposition to the TIF development by Senator Greg Ryberg, Mr. Ed Giobee, Mr. George Pixley, Mr. Warren Mather, and Mr. Henry Jackson. The gentlemen raised concerns about the actual TIF law and the description of blighted areas needing to be reviewed and revised by legislators on the State level. They also voiced concerns about an additional tax burden on taxpayers, the risk the potential home owners could incur with infrastructure costs, the impact on the County's bond rating should the bonds default, and setting the precedent of financing a project for a private developer.
 - b. Mr. Robert Deering, Mr. Charles Hilton, and Ms. Wendy Davis made a presentation in favor of the TIF development. They pointed out that the proposed project would provide much needed growth in that area of the County. Affordable housing, new schools, expansion of utility services, new businesses and jobs, the broadened tax base, and controlled, planned growth were discussed as positive results of the TIF development.

- c. Following the presentations, citizens alternately spoke in favor and in opposition to the TIF development. Twenty three citizens spoke in opposition and twelve citizens spoke in favor of the proposed project. One citizen was undecided on the issue.
- d. After the citizens had completed their comments, several Councilmembers voiced their positions on the issue.

(G) OLD BUSINESS

1. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 127-06-01-009 Located at 2193 & 2195 Williston Road (US-278), New Ellenton, SC in Council District 2 from RC to RD.
(Singer) (Third Reading)
 - a. Councilman Smith made a motion for the approval. Councilman Butler seconded.
 - b. Passed by unanimous vote.
2. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 106-12-12-003 Located at 116 Thomas Street (S-1999), Aiken, SC in Council District 7 from RC to OR.
(Bunker) (Third Reading)
 - a. Councilwoman McKenzie moved for the adoption. Councilman Bunker seconded.
 - b. Passed by unanimous vote.
3. Proposed Resolution To Approve Additional Time for the Aiken County Board of Education to Comment on the Proposed Tax Increment Financing District for the Sage Valley and Trolley Run Station Developments.
(ADDITION)
 - a. Councilman Barton made a motion for the approval. Councilman Hightower seconded.
 - b. Passed by majority vote with Councilwoman Rawls, Councilman Singer, Councilwoman McKenzie, Councilman Smith, Councilman Barton, and the Chairman voting in favor. Councilman Butler and Councilman Bunker voted in opposition.
4. Proposed Ordinance Establishing and Approving a Plan for the Redevelopment of a Portion of Aiken County, South Carolina, Pursuant to a Redevelopment Plan; Designating a Redevelopment Project Area; Making Findings Regarding the Redevelopment Project Area; Designating Redevelopment Projects; Approving a Tax Increment Financing Plan for Such Redevelopment Projects; and Other Matters Relating Thereto.
(County Council) (Second Reading) **(MOVED FROM CONSENT ITEM 18)**
 - a. Councilman Bunker moved for the adoption. Councilman Hightower seconded.
 - b. Councilwoman Rawls made a motion to Table the Ordinance. Councilman Hightower seconded.
 - c. The motion to Table passed by majority vote with Councilwoman Rawls, Councilwoman McKenzie, Councilman Smith, Councilman Barton, Councilman Hightower and the Chairman voting in favor. Councilman Singer, Councilman Butler and Councilman Bunker voted in opposition.

d. Councilman Singer made a motion to request that when the proposed Ordinance is brought off the Table for a vote, a public notice be issued so that the public can attend and that the meeting be held in a larger facility to accommodate the public. Councilwoman Rawls seconded the motion.

e. The motion passed by unanimous vote.

(H) CONSENT AGENDA/INTRODUCTION OF ORDINANCES FOR FIRST READING

I. REGULAR CONSENT AGENDA

1. Proposed Resolution to Appoint One Member to Designated Boards, Commissions and Committees with Terms of the Appointees to Run Concurrent with that of the Councilmember from Districts 1, 2, 3, 4, 6, and 7.
(Rawls, Singer, McKenzie, Smith, Barton, Bunker)

2. Proposed Resolution to Approve the Allocation of Funds for Various Non-Profit Agencies from the FY 2006 Council Contingency Fund.
(County Council)

3. **MOVED TO NEW BUSINESS ITEM 4**

4. Proposed Resolution to Assign the Official Road Names to Existing Un-Named Private Roads in County Council Districts 1, 2, 3, 5, and 8.
(Rawls, Singer, McKenzie, Butler, Hightower)

5. Proposed Resolution to Direct that Speed Limit Signs be Erected on Chavous Road (C-333) Located in Council District 2.
(Singer)

6. Proposed Resolution to Recognize the Installation of Reverend Jimmy A Patterson at the Mt. Moriah Baptist Church.
(County Council)

7. Proposed Resolution to Accept a Deed and Certificate of Title for 1.344 Acre Detention Pond in Cedar Meadows Equestrian II Subdivision Located in Council District 2.
(Singer)

8. Proposed Resolution to Accept a Deed and Certificate of Title for a Detention Pond in Sudlow Trails at Horse Creek Subdivision Located in Council District 5.
(Butler)

9. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with Ful-Line Construction for Barden Landfill Modifications.
(Development Committee)

10. **DELETED**

11. **MOVED TO NEW BUSINESS ITEM 3**

12. **DELETED**

13. **DELETED**

14. Proposed Resolution to Authorize a Portion of the Old County Detention Center to be Utilized as an Emergency Operations Center.
(Judicial and Public Safety Committee)
15. Proposed Resolution to Authorize the Council Chairman to Execute a Memorandum of Understanding with the South Carolina State Guard for Assistance During Times of Emergency.
(Judicial and Public Safety Committee)
16. Proposed Resolution to Authorize the Council Chairman to Execute a Memorandum of Understanding for the Augusta Regional Transportation Study.
(Development Committee)
17. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with D. S. Utilities for Construction of the Beech Island Sewer Line.
(Development Committee)
18. **MOVED TO OLD BUSINESS ITEM 4**
19. Proposed Ordinance to Amend Chapter 5.5 Cable Television of the Aiken County Code of Ordinances to Reflect Changes in Franchise Application, Transfer and Renewal Fees.
(Development Committee) (Second Reading)
20. Proposed Ordinance to Amend the FY 2006 County Operating Budget to Reduce the Fees Established in the FY 2006 County Budget Ordinance for the Probate Judge and to Alter the Procedure for Distribution of Local Accommodations Tax Funding.
(Judicial and Public Safety Committee) (Second Reading)
- 20a. Proposed Resolution To Authorize the Expenditure of Funds for Road Improvements in Council District 8.
(ADDITON)

II. CONSENT AGENDA/INTRODUCTION OF ORDINANCES FOR FIRST READING

21. Proposed Ordinance to Develop a Joint County Industrial and Business Park in Conjunction with Edgefield County, Such Industrial and Business Park to be Geographically Located in Edgefield County and the Town of Trenton, South Carolina and Established Pursuant to Article VIII, Section 13 of the South Carolina Constitution, and South Carolina Code of Laws of 1976 §4-1-170, et Sequitur, as Amended; to Provide for a Written Agreement with Edgefield County Providing for the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of Fees in Lieu of Ad Valorem Taxes to the Counties and Relevant Taxing Entities; to Provide that Jobs Tax Credits Allowed by Law be Provided for Businesses Locating in Said Park; and to Permit a User Fee in Lieu of Ad Valorem Taxation Within Said Park.
(County Council)
22. Proposed Ordinance to Provide for the Issuance and Sale of \$15,000,000 General Obligation Bonds of 2006 of Aiken County, South Carolina to Prescribe the Purposes for Which the Proceeds Shall be Expended, to Provide for the Payment Thereof, and Other Matters Relating Thereto.
(County Council)

23. Proposed Ordinance to Provide for the Adoption of an Annual Operating Budget for the Mattie C. Hall Health Care Center for the Fiscal Year Beginning January 1, 2006 Through December 31, 2006, and to Provide for Related Matters Thereto.
(Administrative Committee)
24. Proposed Ordinance Making Provisions for the Terms and Conditions of a Sewer System Revenue Borrowing of Aiken County, South Carolina, Authorized by Ordinance No. 90-6-32 of Aiken County Adopted June 19, 1990; Approving the Financing of Sewer System Improvements in Aiken County, South Carolina, Through the Borrowing of Not Exceeding \$2,143,476 Plus Capitalized Interest, if Any, From the State Water Pollution Control Revolving Fund, by Agreement With the South Carolina Water Quality Revolving Fund Authority Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as Amended; Provided for the Agreement to Make and to Accept a Loan, the Execution and Delivery of a Loan Agreement Between Aiken County and the South Carolina Water Quality Revolving Fund Authority, the Execution and Delivery of a Promissory Note from Aiken County to the South Carolina Water Quality Revolving Fund Authority; and Other Matters Relating Thereto.
(County Council)
25. Proposed Ordinance to Amend the Agreement for Development of Joint County Industrial Park by and Between Aiken County, South Carolina and Edgefield County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park so as to Include Additional Property in that Portion of the Joint County Industrial Park Geographically Located in Aiken County, South Carolina, and Other Matters Relating Thereto.
(County Council)
 - a. Councilman Butler made a motion to approve the Consent Agenda. Councilman Smith seconded.
 - b. Councilman Singer requested that Consent Item 3 be moved to New Business Item 4.
 - c. The Consent Agenda was approved by unanimous vote.

(I) NEW BUSINESS

1. Request for Approval of a Proposed Amendment to the Aiken County Official Zoning and Development Atlas to Rezone Tax Parcel 120-05-04-014 Located at 127 Hedge Road (C-993), Aiken, SC in Council District 8 from UD to IND:
 - A. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development District Atlas to Rezone Tax Parcel 120-05-04-014 Located at 127 Hedge Road (C-993), Aiken, SC in Council District 8 from UD to IND.
(Hightower) (First Reading)
 - or
 - B. Proposed Resolution to Disapprove a Proposed Amendment to the Aiken County Official Zoning and Development District Atlas to Rezone Tax Parcel 120-05-04-014 Located at 127 Hedge Road (C-993), Aiken, SC in Council District 8 from UD to IND.
(Hightower)
 - a. Councilman Hightower moved for the adoption. Councilwoman McKenzie seconded.

- b. Passed by unanimous vote with Councilwoman Rawls, Councilwoman McKenzie, Councilman Smith, Councilman Butler, Councilman Bunker, Councilman Hightower and the Chairman voting in favor. Councilman Singer and Councilman Barton abstained.
- 2. Proposed Ordinance to Authorize the County Administrator to Lease Purchase Vehicles for the Sheriff's Office.
(Judicial and Public Safety Committee) (First Reading)
 - a. Councilman Smith moved for the adoption. Councilwoman Rawls seconded.
 - b. Passed by unanimous vote.
- 3. Proposed Resolution to Authorize County Staff to Negotiate an Agreement with ComCast for the Filming of County Council Meetings and to Authorize the Council Chairman to Execute this Agreement.
(Hightower) **(MOVED FROM CONSENT ITEM 11)**
 - a. Councilwoman McKenzie moved for the adoption. Councilman Hightower seconded.
 - b. The proposed Resolution was defeated by majority vote with Councilwoman Rawls, Councilwoman McKenzie, Councilman Smith, Councilman Barton, Councilman Bunker and the Chairman voting in opposition. Councilman Singer and Councilman Hightower voted in favor. Councilman Butler abstained.
- 4. Proposed Resolution to Authorize the County Treasurer to Accept from the Department of Energy a Payment in Lieu of Taxes for 2004.
(County Council) **(MOVED FROM CONSENT ITEM 3)**
 - a. Councilman Singer made a motion for the approval. Councilman Smith seconded.
 - b. Following a discussion about a better show of good faith from the Department of Energy and clarification that the Intergovernmental Agreement for 2004 had been executed just prior to the Federal fiscal year deadline, the Resolution passed by unanimous vote with Councilman Singer and Councilman Bunker abstaining.
 - c. Councilman Smith made a motion to adjourn the meeting. Councilman Butler seconded.
 - d. The motion to adjourn passed by unanimous vote.

(J) ITEMS FOR INFORMATION AND THE PUBLIC RECORD

- 1. Fiscal Year 2005 Aiken County Contingency Report as of September 21, 2005.

(K) INFORMAL MEETING OF WHOLE

(L) EXECUTIVE SESSION

- 1. Legal Matters:
 - a. Status Report on Pending Litigation, Legal Claims and Legal Advice.
(County Attorney) (Verbal)
- 2. Contractual Matters:
- 3. Personnel Matters:

(M) ADJOURNMENT – 11:30 P. M.

Respectfully submitted,

SIGNED:

Tamara Sullivan, Council Clerk

Ronnie Young, Chairman